

**FILE
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May 21, 2009

CERTIFIED MAIL

7007 3020 0000 3068 4871

James Brown
Operations Manager
Alaskan Copper Co, Inc
PO Box 3546
Seattle, WA 98124-3546

Dear Mr. Brown:

RE: Closure and post-closure care for abandoned acid tank at 3600 E Marginal Way

On March 19, 2009 I assisted Seattle Public Utilities in conducting a source control inspection of the property and tenants of the "Big Building" at 3600 E Marginal Way, Seattle WA. During this inspection we identified what appeared to be an abandoned acid tank from past operation of this building by Alaskan Copper Co, Inc. Based on email and phone conversations with you this past week, these are the facts I have regarding this tank:

1. This tank contained nitric acid with ammonium bi-fluoride in solution.
2. The capacity of the tank is approximately 3600 gallon.
3. The tank was last used in 1992.
4. The tank was not drained after it was last used.
5. There was hope that someday this tank would be used again.
6. This tank has been continuously permitted for discharge to the sanitary sewer since 1992.
7. The tank has been evaporating since last use and now contains about 100 gallons of slurry.
8. In February 2007 the residue in this tank had a nitric acid concentration of 8.6%.

It is our desire to have the tank contents and this unpermitted waste storage tank removed.

Our interpretation of the facts:

- A material is considered a solid waste if it is discarded by being abandoned. Materials are considered abandoned if they are accumulated, stored, or treated before or in lieu of being abandoned. The contents of this tank have not been used in over 16 years and have been abandoned WAC 173-303-016(4).
- The contents of this tank have a nitric acid concentration of 8.6% and likely meet the definition of characteristic corrosive dangerous waste. A waste is characteristic corrosive if it is aqueous with pH less than or equal to two WAC 173-303-090(6).
- Ammonium bi-fluoride is a toxic material and would likely cause this waste to designate as a criteria toxic dangerous waste WAC 173-303-100.

✪ City of Bellevue

✪ Clallam Co Health & Human Svcs

✪ King Co Water & Land Resources

✪ San Juan Co

✪ Snohomish Health District

✪ City of Bellingham

✪ Jefferson Co Public Health

✪ Kitsap Co Health District

✪ Seattle Public Utilities

✪ Tacoma-Pierce Co Health Dept

✪ City of Issaquah

✪ King Co Public Health Div

✪ Kitsap Co Public Works

✪ Skagit Co Public Health Dept

✪ Spokane Regional Health Dist

✪ Whatcom Co Health Dept

- Dangerous waste generated in a product or raw material storage tank or in a manufacturing process unit is an excluded category of dangerous waste until it exits the unit in which it was generated. This exclusion does not apply to surface impoundments, nor does it apply if the dangerous waste remains in the unit more than ninety days after the unit ceases to be operated for manufacturing, or for storage or transportation of product or raw materials. This tank ceased to be used for manufacturing back in 1992 and reverted to a dangerous waste storage tank ninety days after its last use WAC 173-303-071(3)(n).
- A generator may accumulate dangerous waste on-site without a permit for ninety days or less after the date of generation. Ninety days after this tank began accumulating a dangerous waste and the waste was not shipped off site it became a dangerous waste storage tank subject to permitting WAC 173-303-200.
- Accumulation of dangerous waste in tanks and permitted storage of dangerous waste in tanks has specific regulations for design, assessment of tank integrity, secondary containment, detection of releases, general operating requirements, inspections, closure, and post closure care WAC 173-303-640.
- Because your tank is not permitted to store dangerous waste, it needs to be closed in compliance with the tank systems closure and post-closure requirements of the dangerous waste regulations WAC 173-303-640(8).
- You will need to complete notification to Ecology of dangerous waste activities for this site and obtain an EPA/state RCRA identification number. This identification number will be required on all dangerous waste manifests when the waste is shipped off-site WAC 173-303-060.
- Waste removed from this tank needs to be properly containerized, designated, accumulated, labeled and marked, and ultimately disposed WAC 173-303-070 through 173-303-100.


The provided guidance is to assist you in complying with the dangerous waste regulations. This guidance may not be comprehensive. It is your responsibility to comply with all applicable regulations.

Action required:

Please begin with immediately removing the contents and residues of this tank and properly disposing of the collected waste. Within 30 days please submit a written response indicating how this tank will be closed in accordance with the dangerous waste requirements of WAC 173-303-640(8).

If you have any questions or concerns, please contact me at (425) 649-7055 or email me at mjef461@ecy.wa.gov.

Sincerely,



Michael Jeffers, Urban Waters Inspector
Hazardous Waste and Toxics Reduction Program
Northwest Regional Office
3190 160th Ave SE
Bellevue WA 98008-5452

MJ:SA